

Attorney's Docket No.: 09712-057001
Client's Ref. No.: Z-202

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OFFICIAL**GROUP 2882 FAX NO: (703) 872-9318****Number of pages including this page 29**

Applicant : Peter de Groot et al.
Serial No. : 09/769,859
Filed : January 25, 2001

Art Unit : 2882
Examiner : Thomas R. Artman

FACSIMILE COMMUNICATION

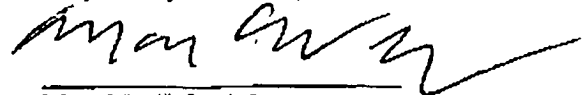
Title : OPTICAL SYSTEMS FOR MEASURING FORM AND GEOMETRIC DIMENSIONS
OF PRECISION ENGINEERED PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is Reply to Action of January 8, 2004,
faxed this 14th day of January, 2004, to Group 2882, the United States Patent and Trademark Office.

Respectfully submitted,



Marc M. Wefers* for
David L. Feigenbaum
Reg. No. 35,378

Date: January 14, 2004

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*See attached document certifying that Marc M. Wefers has limited recognition to practice before the U.S. Patent and Trademark Office
under 37 C.F.R. § 10.9(b).
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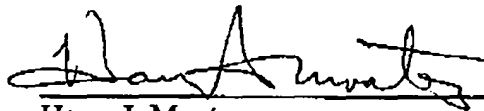
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UNITED STATE PATENT AND TRADEMARK OFFICE**

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Harry I. Moatz
Director of Enrollment and Discipline

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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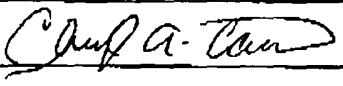
REPLY TO ACTION OF JANUARY 8, 2004REMARKS

The Action indicates that the reply filed on November 12th, 2003, is not fully responsive to the prior Office Action because it does not address the 35 USC 103 rejection over Bruning (US 5,654,798). However, as we shall explain below, the claim amendments made in the November 12, 2003 reply rendered the 35 USC 103 rejection over Bruning moot, and that was why Bruning was not explicitly addressed in the reply. Parenthetically, we note that the reply was in fact mailed by first class mail on November 10, 2003, and therefore we shall refer to it below as our November 10, 2003 reply

Specifically, our November 10, 2003 reply amended the claims so that claims 1, 25, 42, 44, 48, 57, 64, 66, 67, 73, 76, and 79 became the independent claims (see page 18 of the reply), and then sequentially addressed the rejections pertinent each independent claim as then amended. Because the rejection over Bruning in the prior Action was directed to originally filed claims 1-8, 12, 16, 27-34, 36, 38, 40, 42, and 74-75, when applied by itself (see pages 2-5 of the May 8, 2003 Action), and to originally filed claims 9, 32, and 39, when applied in combination with Kulawiec (US 5,793,488) (see page 6 of the May 8, 2003 Action), the only remaining

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I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

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Applicant : Peter de Groot et al.
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independent claims to which it could be applied were claims 1 and 42. But, as stated in the our November 12, 2003 reply: "Claims 1 and 42 were amended to include the features of previously pending claims 20 and 65, respectively" (see page 18 of reply). Because claims 20 and 65 were not among the claims rejected in view of Bruning, amended independent claims 1 and 42 distinguished Bruning.

Thus, each independent claim pending following our November 10, 2003 reply was either not rejected in view of Bruning (i.e., independent claims 25, 44, 48, 57, 64, 66, 67, 73, 76, and 79) or amended to include features from claims that the prior Action indicated as distinguishing Bruning (i.e., claims 1 and 42, which were amended to include the features of claims 20 and 65, respectively). Furthermore, any dependent claim rejected in view of Bruning distinguished Bruning for at least the same reasons as those for the independent claim from which it depends. Accordingly, the claim amendments made in the November 10, 2003 reply rendered the 35 USC 103 rejection over Bruning moot, and therefore the substance of Bruning did not need to be explicitly addressed.

In any case, we submit that this reply together with our previously filed reply of November 10, 2003 (a copy of which is enclosed herewith) is fully responsive to the prior Office Action dated May 8, 2003 because it specifically explains why the rejections in view of Bruning have been rendered moot. We ask that all claims be allowed.

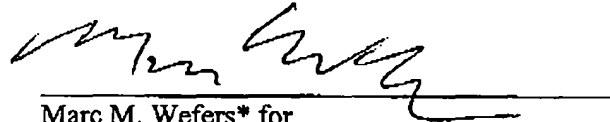
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Respectfully submitted,

Date: 1/14/04


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